

FEB 16 2005

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: VALERIE A. DRISCOLL

Application No.: 10/625,976 Group No.: 3612

Filed: 07/24/2003

Examiner: GUTMAN, HILARY L

For METHOD FOR BLOCKING GLARE FROM THE SUN AND APPARATUS THEREFOR

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME  
TO MAINTAIN PARENT CASE THAT IS TO BE ABANDONED  
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT**

**NOTE:** Where an extension of time is sought solely for the purpose of filing a continuation application under 35 U.S.C. § 120, and where the prior application is to be abandoned in favor of the continuing application, the filing of a response as required by 37 C.F.R. §§ 1.111 or 1.113 is considered to be an unnecessary expenditure of resources by the applicant and, in these situations, the PTO will accept the filing of a continuing application as a response under 37 C.F.R. § 1.136. Notice of May 13, 1983 (1031 O.G. 11).

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of Nov. 5, 1985 (1060 O.G. 27).

1. The amendment in this case is a bona fide attempt by applicant to respond and to advance this application to final action. It comprises a separately filed:

(check (a), (b), or (c), as applicable)

- (a)  Continuation application
- (b)  Continuation-in-part application
- (c)  Divisional application (where parent case is to be abandoned)

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

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**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date 02/15/2005, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number ED696907793US, addressed to the: Commissioner for Patents PO Box 1450, Alexandria, VA 22313-1450

TED MASTERS  
(type or print name of person mailing paper)

Ted Masters  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case That is to be Abandoned When

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2. This is a petition under 37 C.F.R. § 1.136(a) for an extension of time to respond to  
(check and complete (d) or (e), as applicable)

- (d)  the Office Action mailed 10/15/2004
- (e)  other \_\_\_\_\_

3. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with this application. (Notice of May 13, 1983, 1031 O.G. 11-12).

4. Applicant is

- a small entity.

The statement:

- is enclosed.
- is already filed in the parent application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
- other than a small entity.

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ 60<sup>00</sup>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## 6. Fee Payment

- Attached is a check in the sum of \$ 60<sup>00</sup> (CHECK NO. 954)
- Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## 7. Fee Deficiency

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).

- If any additional extension and/or fee is required, charge Account  
No. \_\_\_\_\_

Reg. No.: 36,209

Tel. No. (704) 545 - 0037

Customer No.:

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

TED MASTERS  
(type or print name of practitioner)

5121 SPICEWOOD DR.  
P.O. Address

CHARLOTTE, NC 28227